IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 843 OF 2006

Monappa Ishwarappa Jamadar ...Petitioner

V/s

State of Maharashtra & Ors. ...Respondents.

Mr. R.K. Mendadkar with Mrs. H.K. Mandlik for the Petitioner

Mr. R.D. Rane, Government Pleader, for the Respondents.

CORAM: V.G. PALSHIKAR, Ag.C.J., &
SMT. NISHITA MHATRE, J.
DATE: FEBRUARY 15, 2006.

P.C.:-

1. By this petition, the petitioner has challenged order dated 16th November, 2005 passed by the Scheduled Tribe Certificate Scrutiny Committee, Pune Division, Pune ("the Committee", for short). The Committee was considering appeal filed by the petitioner against the order passed by the Sub Divisional Authority, refusing to grant Scheduled Tribe Certificate to the petitioner.

2. The contention raised on behalf of the petitioner is that the Competent Authority designated by the State to grant such certificate must grant the certificate as soon as an application, accompanied by the documents mentioned in the Rules, is made. It has no authority to verify the correctness of the accompanying documents. Since that was done, the order of the Competent Authority was questioned before the Appellate Authority. The Appellate Authority has, by its reasoned order, rejected the appeal, which order is impugned in this petition.

3. The contention in this petition is that the Appellate Authority cannot consider the validity or other attending circumstances like affinity and other evidence, as the Appellate Authority is required to consider only the grounds raised in appeal. We are unable to accept this submission. It is not the intention of the framers of either of the Rules or of the Act that a claim for Scheduled Tribe Certificate must be accepted if the documents, as submitted by the applicant, are not in conformity with the requirements. We are unable to accept this submission that the Competent Authority, to issue the certificate, cannot scrutinise the claim by attending circumstances and evidence.

Apart from that, on merits, the Committee has considered the entire evidence on record. The School Leaving Certificate of the petitioner mentions the caste of the petitioner as 'Koli'. Apart from the documents, the Committee has also considered the inability of the petitioner to furnish any information with regard to traits, characteristics, customs, traditions, etc., of Mahadeo Koli Tribe.

4. The impugned order is itself based on proper appreciation of material evidence. This Court, in Writ Jurisdiction, cannot re-assess the sufficiency or insufficiency of the evidence. Present is not a case where the order is passed without there being any basis on evidence. As pointed out earlier, the evidence was available, it was scrutinised and the impugned order was passed. In our opinion, therefore, no case for interference is made out. The petition is dismissed.